IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No.13873 of 2003**

Between:

1. Andhra Pradesh social Welfare Residential Educational Institutions
Staff Association (Regd. No. 1124/86) rep by General Secretary, T.Krishna Reddy, S/o.Kistah Reddy,R/o. Flat No. S-3, GKS Amrutha Apartments, Maruthinagar, Kothapet, Hyderabad.
2.S. Kumaraswamy S/o Veeraiah
R/o. Maidipalli.
3.G. Arunasri D/o. Anja Goud
R/o.Maidipalli
4.Y. Mahesh, S/o.Veeresham,
R/o. Maidipalli.
5. N. Padmaja, D/o.Sambaiah,
Subhashnagar, Karimnagar.
6.V.Rajani Laxmi, D/o.Ramanaiah,
R/o. Subhashnagar, Karimnagar.
7.B. Chinna Devi, D/o.Peddasingaiah,
R/o. Subhashnagar, Karimnagar.
8.K. Kanaka Laxmi, D/o.Ramoji Rao,
R/o. Subhashnagar, Karimnagar.
9.K. Krishnaveni, D/o. Venkatraj Reddy,
R/o. Subhashnagar, Karimnagar.
10.K. Vinayakala, D/o. Veeraswamy,
R/o. Subhashnagar, Karimnagar.
11.A. Sudhakar Reddy, S/o. Malla Reddy,
Koheda.
12.S. Swamy, S/o. Mallaiah,
Koheda.
13.Dr. Y. Shantharamu, S/o. Prakash,
Koheda.
14.Ch. Karunasree,D/o. Ch. Narasimha Chary,
R/o Parvathagiri.
15.A. Swaroopa, D/o. Mallaiah,

R/o Parvathagiri.
16.K. Umamaheshwar, S/o. Mallaiah,
R/o. Ghanpur.
17. A. Babu, S/o. Chinnappa,
R/o.Ghanpur.
18. D. Chandrasekhar, S/o. A.N.S. Sekhar,
R/o.Ghanpur.
19. K. Srinivas, S/o. Ramaswamy,
R/o.Ghanpur
20. B. Devi Saritha Prabha, D/o. Prabhudas,
R/o. Mallapur.
21. T. Madhuri, D/o. Christopher,
R/o. Mallapur.
22. Ch. Sanye Rani, D/o. Gundaiah,
R/o.Mallapur.
23. A. Srinivas, S/o.Kondaiah.
R/o. Rukmapur.
24. Sambasiva Rao,
R/o. Rukmapur .
25. Smt. N. Susmitha, S/o N. Laxminarayana,
R/o Laxittipet.
26. T. Arogyam, D/o. Melki
R/o Laxittipet.

**..... PETITIONERS.**

**AND**

1. A.P. Social Welfare Residential Educational Institutions Society (Regd),
Masab Tank, Hyderabad, rep. by Secretary.
2.Government of Andhra Pradesh, rep. by its Principal Secretary,
Social Welfare Department, Secretariat, Hyderabad.

**.....RESPONDENTS.**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate Writ declaring the action of the respondents in not absorbing the petitioners in the regular vacancies is illegal and arbitrary; (ii) declaring the Notification No. R1/20591/2002, dated 30-6-2003 and consequential selection of the candidates for recruitment of Resident Teachers (Trained Graduate Teacher) on regular basis before regularisation of the contract teachers who have put in 5 years and above service is illegal and arbitrary;(iii) direct the respondents to regularise the contract teachers including petitioners 2 to 26 in terms of SSO No. 40 of 1996, dated 17-12-1996 in the existing regular posts of Resident Teachers (Trained Graduate Teacher); (iv) restrain the respondents from resorting to recruitment of Resident Teachers (Trained Graduate Teacher) on regular basis vide notification No. R1/20591/2002, dated 30-06-2003 till the contract teachers who have completed 5 years of service are absorbed.

**Counsel for the Petitioners :** Mr.G.VIDYASAGAR

**Counsel for the Respondents :** Mr.VIJAYA BHASKAR MOOLA,

STANDING COUNSEL FOR APSWREIS

FOR R.1.

GOVT. PLEADER FOR SOCIAL

WELFARE FOR R.2.

**The Court made the following :**

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**ORAL ORDER:**

The petitioners filed this writ Petition and obtained an interim direction in W.P.M.P.No.17199 of 2003, dated 16-10-2003 to continue them in service pending further orders. Against the said interim order, Writ Appeal No.350 of 2004 was filed and a Division Bench of this Court comprising of Hon'ble the Chief Justice and Hon'ble Dr. Justice G. Yethirajulu disposed of the same by judgment dated 23-02-2004 directing the respondents to consider the proposals submitted by the A.P. Social Welfare Residential Educational Institutions Society ('the Society').

Learned counsel for the petitioners submits that the writ petition may be disposed of in terms of the judgment of the Division Bench in Writ Appeal No.350 of 2004.

On the other hand, it is stated in the counter affidavit filed by the respondents that proposal had been submitted to the Government by the respondent-Society on 20-9-2000 for examining the possibility of regularisation of services of contract Teachers and a separate proposal was also submitted to the Government subsequently through letter dated 13-8-2002 seeking permission to fill up certain vacancies on regular basis and also to regularise the services of Teachers working on contract basis. The Government, through its letter dated 21-8-2002 directed to fill up only 50% of the vacancies on regular basis and remaining vacancies on contract basis. It is further stated that on the proposal of regularisation of contract Teachers, no orders have yet been communicated to the Society.

The petitioners, who are contract teachers, are being continued for the last more than eight years and in the meanwhile the process of filling up 50% of the vacancies has been commenced which gave rise to the grievance of the Teachers working on contract basis on the ground of legitimate expectation of being regularised. Pursuant to the interim directions granted by this Court, the petitioners are being continued in service.

In view of the judgment of the Division Bench of this Court in Writ Appeal No.350 of 2004, learned counsel for both the parties submit that the writ petition can be disposed of in terms of the said judgment. They also submit that this Court disposed of W.P.No.18323 of 2003 on 19-7-2004 in terms of the directions issued by the Division Bench.

In view of the same, the writ petition is disposed of directing the Government to consider the proposals submitted by the Society for regularization of the petitioners in existing vacancies by suggesting a formula or a scheme and such a decision should be taken within a period of three months from the date of receipt of a copy of this order and the same shall be communicated to the Society thereafter, so as to avoid unnecessary hardship to the Teachers employed on contract basis. No order as to costs.

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12th August 2004. **(V. ESWARAIAH, J.)**

ARS

To

1. Secretary A.P. Social Welfare Residential Educational Institutions Society(Regd), Masab Tank, Hyderabad.
2. Principal Secretary Government of Andhra Pradesh, Social Welfare

Department, Secretariat, Hyderabad .

3.Two C.Cs to Govt. Pleader for Social Welfare, High Court Bldgs., Hyderabad (OUT).

4.Two C.D. Copies.